



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Public Hearing Date:	September 21, 2010
Land Use Action Date:	November 23, 2010
Board of Aldermen Action Date:	December 6, 2010
90-Day Expiration Date:	December 13, 2010

DATE: September 21, 2010

TO: Board of Aldermen

FROM: Candace Havens, Interim Director of Planning and Development
Derek Valentine, Senior Planner

SUBJECT: BENJAMIN E. ABRAMS, Petition 105-09(2) for SPECIAL PERMIT/SITE PLAN APPROVAL for an accessory apartment within an existing one-family dwelling at 87 WOODWARD ST, Ward 5, NEWTON HIGHLANDS, on land known as Section 52, Block 1, Lot 27, containing approximately 12,786 square feet of land in a district zoned SINGLE RESIDENCE 2. Ref. Newton City Ordinances Section 30-8(d)(2), 30-19(i)(1), 30-19(m) and Table 30-8.

CC: Mayor Setti D. Warren



The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.

EXECUTIVE SUMMARY

The site consists of a 12,786 square foot lot improved with a 2,981 square foot, two-story single-family residence. Newton City Ordinances, Table 30-8 allows accessory apartments in the Single Residence 2 Zone on lots of 10,000 square feet or greater by Special Permit from the Board of Alderman. The petitioner would like to divide the existing residence into a 2,075 square foot main living unit and a 906 square foot accessory unit. Three parking spaces will be provided as part of this petition. One parking space will be in the garage, another tandem behind the garage and a third will be provided in the rear yard. There will be no exterior alterations as part of the addition of the accessory unit. The main unit will be owner-occupied. A 50% opaque fence is being proposed between the property line and the accessory unit parking, but without the required accompanying 3' landscaped strip. Parking for the accessory unit will be located in the rear yard and appears to be difficult to access.

The *Comprehensive Plan* encourages the preservation of the existing housing stock while increasing the diversity of housing options. This petition would increase this diversity by providing two smaller units without changing the character of the neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing this petition the Board of Aldermen should consider whether the following findings apply:

- ◆ Convenience and safety of vehicular and pedestrian movement within the site to adjacent streets will not be adversely impacted as a result of the proposed accessory apartment; particularly with regards to parking space #3.
- ◆ The addition of an accessory unit will not be detrimental to the neighborhood.
- ◆ Locating parking space #3 to the rear of the dwelling is preferable to locating it within the front setbacks.
- ◆ The addition of an accessory apartment is consistent with the *Newton Comprehensive Plan*.
- ◆ The addition of the accessory apartment will increase the diversity of Newton's housing stock.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located in the Single Residence 2 Zone. The petitioner is proposing the retrofit of the existing single-family house in order to add an accessory unit. Changes will not be visible from the exterior; thus will not be out of character with the surrounding single-family residential neighborhood. The existing house was built in 1947. Most of the other homes in the neighborhood are single-family and were built between 1940 and 1950. Lots in the neighborhood generally range between 10,000 and 15,000 square feet. The petitioner's lot is typical of what can be found in the area.

B. Site

The site consists of 12,786 SF. It is bound on the south by Woodward Street, on the east by a single-family residence at 81 Woodward Street, on the west by a single-family residence at 95 Woodward Street, and on the north by a single-family residence at 37 Oak Terrace.

There are two pre-existing curb cuts and a circular drive accessing the site from Woodward Street. One curb cut is 18' wide and the other is 20' wide. The driveway occupies most of the space between the residence and the street. There are landscaped islands between the curb cuts. To the rear of the house is a lawn area. The property slopes from a high point at the street towards the rear of the lot. Although there is a chain-link fence between the parking area in the rear and the adjacent property, there is not much screening.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The proposed accessory apartment will have minimal impacts on the neighborhood. There will be no addition to the footprint of the structure as a result of the subdivision of the interior of the structure. There are no exterior changes proposed as part of this petition.

The average lot size in the neighborhood is between 10,000 and 15,000 square feet, so the petitioner's parcel is typical of what can be found in the area. The subject property meets all dimensional and bulk standards for "old lots" in the SR 2 District as required by Section 30-15, Table 1 and there are no changes to this as part of the petition.

The original Zoning Memo dated February 25, 2010 expressed concern with the addition of a gravel parking space in the back and whether it was counting towards open space requirements. After a site visit and a discussion with the petitioner, the Planning Department has determined that 1) the parking space already exists and 2)

The petitioner accurately excluded the area of this parking pad in the calculation of open space provided. Therefore, the petitioner is conforming in the amount of open space provided.

B. Building and Site Design

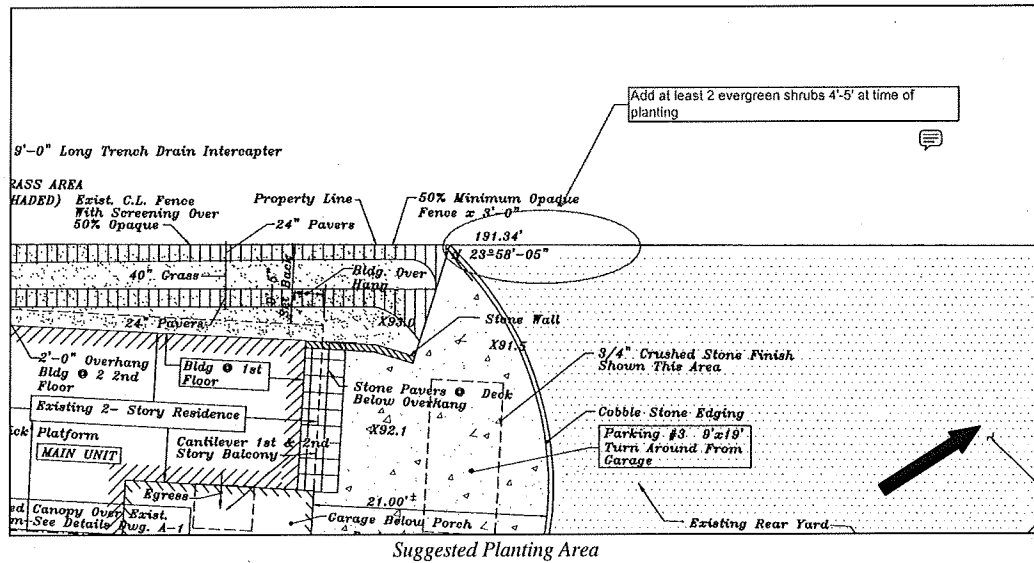
The site will remain essentially unchanged. In the front yard is a paved driveway with landscaped islands. On the west side of the property, a driveway exists which will access parking space #3 behind the residence. The driveway consists of grass with two strips of 24' pavers as treads (see picture below). The width of this access drive varies from 7'8" where it meets the existing driveway to 9'5" where it enters the back yard. There is a 9' x 19' crushed stone parking space located on the north side of the house.

C. Parking and Circulation

The site is accessed from Woodward Street via a circular driveway. Parking space #1 is located in the existing garage of the dwelling. Parking space #2 is located in front of this garage. Parking space #3 is located up the aforementioned access drive in the rear (north side) of the house. The Planning Department is concerned that egress to parking space # 3 will be difficult. It does not appear as though there is sufficient space to turn a vehicle around, which means a vehicle would have to back all the way up the narrow driveway to the street. ***The petitioner should provide a template or other means to show that adequate maneuvering space has been provided to turn a vehicle around in the rear yard. It appears as though the crushed stone drive can easily be expanded into the rear yard; however this may pose a problem with open space requirements.*** An alternative is to locate the parking space within the front yard pending a Special Permit under Sections 30-19(g)(1) and 30-19 (m).

D. Landscape Screening, Lighting, and Signage

The petitioner is proposing the addition of slats in the existing chain link fence to accomplish 50% opacity; however, ***the Planning Department strongly recommends that the petitioner provide some evergreen screening, buffering proposed parking stall #3 from adjacent properties, particularly where the opaque fence ends.*** No signage or lighting is being proposed at this time.



Driveway on north side of property



Parking space #3

IV. COMPREHENSIVE PLAN

The November 2007 *Newton Comprehensive Plan* seeks to preserve the housing stock, particularly smaller scale homes to maintain the character, scale and distinctiveness of neighborhoods. The proposed accessory apartment would provide two smaller units with no change to the neighborhood character. *The Plan* also encourages retaining the existing housing stock while providing diversity in housing options. This petition would increase that diversity while maintaining the physical form of the existing housing stock. The site is also within walking distance of the Newton Highlands MBTA Station. *The Plan* encourages the addition of more residential units near transit.

V. TECHNICAL REVIEW

- A. Technical Considerations (Table 30-8 and Section 30-8(d)(2)). In the Single Residence 2 District, accessory apartments are allowed on lots of 10,000 SF or greater by Special Permit. Since the petitioner's lot is 12,786 SF, a Special Permit is being sought.

B. Parking Requirements (Section 30-19). Two parking spaces are required for the existing single-family house and one additional space must be provided for the accessory unit. The petitioner has shown that three spaces can be accomplished on site. One in the garage, one within the front setback, and one in the rear of the house. The parking space in the front setback does not require a waiver because Newton City Ordinance Section 30-19(g)(1) allows one parking space to be located within the setbacks. A 50% opaque fence is being provided between the parking in the rear of the house and the adjacent property as required by the Newton Zoning Ordinances. Sections 30-8(d)(2), and 30-19(i)(1) require a mix of fences and evergreen planting material used to buffer parking facilities. The parking space in front of the garage is already adequately screened from the neighboring property. The petitioner should add some screening around parking space #3 in accordance with this requirement.

C. Other Reviews:

Fire Department: The plans have been reviewed and accepted by the Newton Fire Department

Engineering: Since no changes are proposed on the site, no Engineering Review is necessary.

VI. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review, dated February 25, 2010 (*SEE ATTACHMENT "A"*), in accordance with Newton City Ordinances Section 30-24, the petitioner is seeking approval through or relief from:

- Section 30-8(d)(2): To allow an accessory apartment in a legal one-family owner-occupied residence.
- Section 30-19(i)(1) and 30-8(d)(2): To waive the landscape screening requirements for parking associated with the accessory unit.
- 30-19(m): Access to parking space #3 appears to be difficult.

VII. Summary of Petitioner's Responsibilities

- The petitioner should provide screening on the western property line, to the north of parking space #3 (two 4-5 foot at planting evergreen trees to be approved by Planning Staff.)
- The petitioner shall use a template or other means to demonstrate that there is sufficient maneuvering space for access to parking space #3, or should expand the crushed stone maneuvering space in the rear of the house. Alternatively, the petitioner could relocate the parking space to the front yard, but this would require additional relief from the Board of Aldermen.

ATTACHMENTS:

ATTACHMENT A: ZONING REVIEW, DATED FEBRUARY 25, 2010

ATTACHMENT B: ZONING MAP

ATTACHMENT C: LAND USE MAP


ATTACHMENT D: SITE PLAN

ATTACHMENT E: DRAFT BOARD ORDER

Zoning Review Memorandum

Dt: February 25, 2010

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official
Candace Havens, Interim Director of Planning and Development 

Cc: Ben Abrams, representing Yan Ping Sun
Ouida Young, Associate City Solicitor

RE: Request to allow an accessory apartment

Applicant: Yan Ping Sun

Site: 87 Woodward Street

SBL: Section 52, Block 1, Lot 27

Zoning: SR-2

Lot Area: 12,786 square feet

Current use: Single-family residence

Proposed use: Single-family residence
with accessory apartment

Background:

The subject property consists of a 12,786 square foot lot currently improved with a single-family residence. The applicants are proposing to divide the interior of the house to create an accessory apartment. The following review is based on plans and materials submitted to date as noted below.

Plans and materials reviewed:

- "SE-1, Site Plan, Sun Residence, 87 Woodward St., Newton, MA, Accessory Unit," dated June 22, 2009, signed and stamped by Frank Iebba, Professional Land Surveyor and Benjamin E. Abrams, Registered Professional Engineer
- "A-1, Basement Floor Plan, Sun Residence, 87 Woodward St., Newton, MA Proposed Accessory Unit, " dated June 22, 2009, signed and stamped by Benjamin E. Abrams, Registered Professional Engineer
- "A-2, First Floor Plan, Sun Residence, 87 Woodward St., Newton, MA Proposed Accessory Unit, " dated June 22, 2009, signed and stamped by Benjamin E. Abrams, Registered Professional Engineer
- "A-3, Second Floor Plan, Sun Residence, 87 Woodward St., Newton, MA Proposed Accessory Unit, " dated June 22, 2009, signed and stamped by Benjamin E. Abrams, Registered Professional Engineer
- Memo dated February 8, 2010 from Benjamin Abrams regarding open space and access via the rear driveway

ATTACHMENT A

Administrative determinations:

1. The property is in the SR-2 zone. The applicant is proposing to create an accessory apartment within an existing single-family dwelling. This use is allowed in the SR-2 zone with approval of a special permit from the Board of Alderman provided the property complies with Table 30-8, Dimensional Requirements for Accessory Apartments (see chart below).

SR-2 Zone	Required/Allowed for Special Permit	Existing	Complies
Lot size	10,000 sq. ft. (if old lot)	12,786 sq. ft.	Yes
Building Size	2,600 sq. ft.	3,639 sq. ft.	Yes

2. In addition, the subject property must meet the dimensional standards of Section 30-15, Table 1 for an "old lot" in the SR-2 zone (see chart below).

SR-2 Zone	Required	Existing	Proposed
Minimum lot size	10,000 sq. ft.	12,786 sq. ft.	No change
Frontage	80 feet	82 feet	No change
Setbacks <ul style="list-style-type: none">• Front• Side• Rear	25 7.5 15	26 feet 9.5 feet approx. 60 feet (scaled from plans, information not provided by applicant)	No change No change No change
Total FAR	.3	.25	No change
Building Height	30	26 feet	No change
Max. no. of stories	2.5	2	No change
Max. lot coverage	30%	16%	No change
Min. open space	50%	See note below	See note below

3. The zoning chart submitted with this application lists the required dimensional standards from Section 30-15, Table 1 as well as a column titled "Actual." It is unclear whether the second column refers to the existing conditions or the proposed conditions. For most of the categories, this is not an issue since the proposal does not include any exterior renovations or additions to the existing structure. However, with the addition of a crushed stone driveway and third parking space in the rear yard, the amount of open space is reduced. It is unclear from the submitted documents what the applicant has included in the open space calculation. A clear description of what is counted as open space and what is not included should be part of the special permit application (perhaps a plan with the open space clearly delineated) before a final determination can be made as to whether this plan meets the open space requirement. If the proposal is not in compliance with this dimensional standard, the applicant must apply to the Zoning Board of Appeals for a variance to exceed this requirement.

4. Per Section 30-8(d)(2) the accessory apartment shall be a minimum of 400 square feet and a maximum of 1,200 square feet or 33% of the building size whichever is greater. The proposed accessory apartment will be 945 square feet.
5. Section 30-19(d)(19) requires one parking stall for the accessory apartment. This is in addition to the two parking spaces required for the existing single family dwelling (per Section 30-19(d)(1)) for a total of three parking stalls on-site. The proposed plan depicts three undimensioned parking spaces. In scaling the submitted plans, it appears that the proposed outdoor parking spaces may be substandard. The special permit application should include a dimensioned parking plan showing parking spaces that measure at least 9'x19'. In addition, the parking space in the rear yard appears to be difficult to access. The applicant should provide geometric evidence that this space is easily accessible. As an alternative, the third parking space may be relocated to the front yard with a special permit from the Board of Aldermen under Sections 30-19(g)(1) and 30-19(m).
6. Sections 30-8(d)(2) and 30-8(d)(1)(h) require landscaped screening of the parking as required by Section 30-19(i)(1). The submitted plan shows no such screening. Adequate landscaping must either be added or the applicant must obtain a special permit under Section 30-19(m) to waive this requirement.
7. See "Zoning Relief Summary" below:

Zoning Relief Summary		
Ordinance	Site	Action Required
	Use	
§30-8(d)(2), Table 30-8	Allow an accessory apartment	SP per §30-24
	Parking	
§30-19(i)(1), §30-19(m)	Waive landscaping requirement for parking facility	SP per §30-24

87 WOODWARD ST VICINITY, ZONING

N



87 WOODWARD ST VICINITY, LAND USE

N



DRAFT
#105-09(2)

CITY OF NEWTON
IN BOARD OF ALDERMEN
September 21, 2010

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow an accessory apartment in an existing single-family dwelling including a waiver for landscaping requirements for a parking facility, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Ted Hess-Mahan:

1. The proposed accessory apartment will not be substantially more detrimental to the neighborhood than the existing structure for the following reasons:
 - a. The addition of the accessory unit will not require changes to the exterior of the structure.
 - b. Convenience and safety of vehicular and pedestrian movement within the site to adjacent streets will not be adversely impacted as a result of the proposed accessory apartment.
 - c. The addition of an accessory apartment is consistent with the *Newton Comprehensive Plan*.
 - d. The addition of an accessory apartment will increase the diversity of housing options in Newton.

PETITION NUMBER: #105-09(2)

PETITIONER: Benjamin E. Abrams for Yanping Sun

LOCATION: 87 Woodward Street, Ward 5, Section 52, Block 1, Lot 37
containing approximately 12,786 sq. ft. of land

OWNER: Yanping Sun

ADDRESS OF OWNER: 87 Woodward Street, Newton, MA 02461

TO BE USED FOR: Addition of an accessory unit within the existing single-family dwelling.

ATTACHMENT E

CONSTRUCTION: Wood-framed

EXPLANATORY NOTES: Section 30-8(d)(2), to allow an accessory apartment in a legal one-family owner-occupied residence. Newton Zoning Ordinances Section 30-19(i)(1), and 30-8(d)(2) to waive landscaping requirements for parking associated with the accessory unit.

ZONING: Single Residence 2 District

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:
 - "Site Plan, Sun Residence, 87 Woodward Street, Newton, MA, Accessory Unit", Sheet SE-1, dated June 22, 2009 and revised March 1, 2010, stamped by Benjamin Abrams, Professional Engineer.
 - "First Floor Plan, Sun Residence, 87 Woodward Street, Newton, MA, Accessory Unit", dated June 22, 2009, Sheet A-2.
 - "Second Floor Plan, Sun Residence, 87 Woodward Street, Newton, MA, Accessory Unit", dated June 22, 2010, Sheet A-3.
2. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioner has:
 - a. Recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in paper and digital format.